IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.252 OF 2006
IN
WRIT PETITION NO.2340 OF 1998

M/s.Nivaram Chopaji Devasy ..Applicant

Vs.

Union of India & Ors. ..Respondents

Mr.S.N.Kantawala i/b. H.R.Shetty for the Applicant.
Ms.N.V.Masurkar with Ms.S.V.Bharucha for
Respondent No.4.

CORAM :- DR.S.RADHAKRISHNAN &
J.P.DEVADHAR,JJ.

DATE : 21ST FEBRUARY,2007

P.C.

1. Heard the learned Counsel for the parties. By this Notice of Motion, the Applicant is seeking to recall of order dated 31st March,2006 whereby the above Petition was dismissed in default. Perused the Notice of Motion and affidavit in support thereof. For the reasons stated therein, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

(J.P.DEVADHAR,J.) **(DR.S.RADHAKRISHNAN,J.)**